

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE NEW Y-CAPP, INC., ET AL.,
Plaintiffs,
-v.-

ARCH CAPITAL FUNDING, LLC, ET AL.,
Defendants

18-CV-3223 (ALC)

ORDER

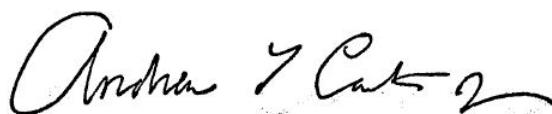
ANDREW L. CARTER, JR., United States District Judge:

The Court is in receipt of the parties' letters regarding the Fourth Department's August 26, 2021 order reversing the Supreme Court, Erie County's decision vacating the judgment by confession Yellowstone had filed against certain Plaintiffs and reinstating the judgment *nunc pro tunc*. ECF Nos. 171, 173. In order to permit the parties to brief the effect of this decision (and the *Rooker-Feldman* doctrine), the Court hereby denies the pending motions to dismiss without prejudice. The parties are hereby ORDERED to file renewed motions to dismiss with all issues to be considered by the Court. They are further ORDERED to submit a proposed briefing schedule for the same by no later than September 8, 2021.

The Clerk of Court is directed to terminate ECF Nos. 146, 147, and 148.

SO ORDERED.

Dated: **September 1, 2021**
New York, New York



ANDREW L. CARTER, JR.
United States District Judge